

Getting Immigration Legal Advice

Are You Applying for a Visa?

Applying for a visa is a complex process. Each visa has requirements that need to be completed. If the visa application has a mistake, your application could be refused. If you apply for the wrong visa or it is refused, you may not be able to remain in Australia and you might be barred from applying for more visas in the future or returning to Australia.

A lawyer or registered migration agent can explain your visa options and help you choose the visa that best suits your situation. They can also help you prepare a stronger application, which may improve your chance of a successful outcome.

What is the difference between a lawyer and a Registered Migration Agent?

It is important to understand the difference between a lawyer and migration agent so that you can choose the professional who best meets your needs.

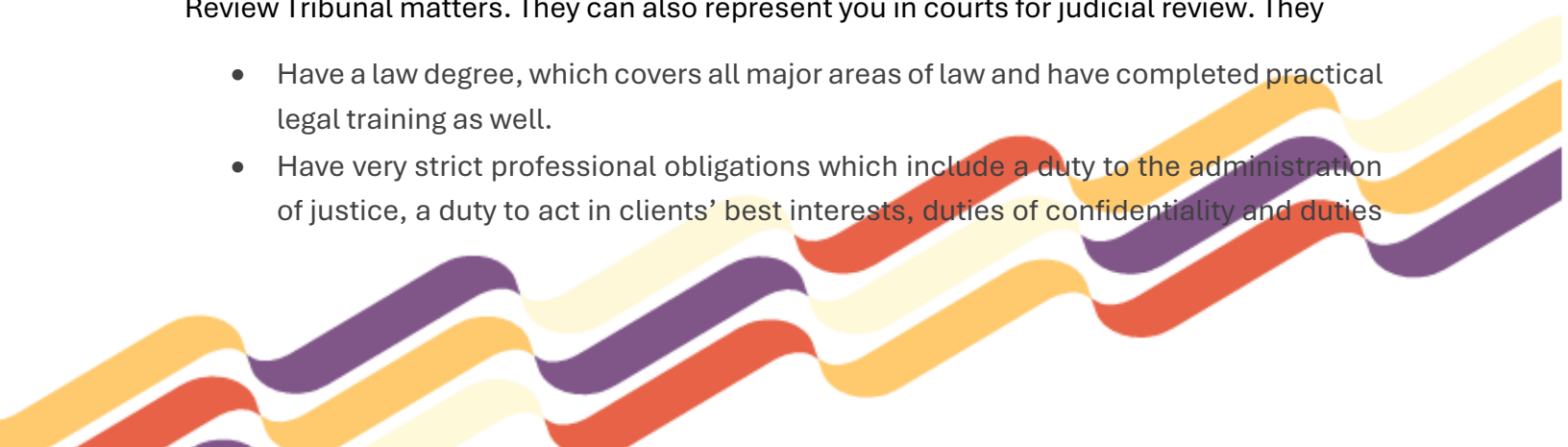
REGISTERED MIGRATION AGENTS

Migration agents can assist with visa applications at Home Affairs level and with Administrative Review Tribunal matters. They:

- Have a university qualification (Graduate Certificate or Graduate Diploma) in Australian migration law.
- Are required to comply with a Code of Conduct, which includes requirements to be honest with clients, provide correct advice, act within the law and tell you if they have an interest which conflicts with your interests.
- Generally, charge less than lawyers but may not be suitable for complex matters.

LAWYERS

Lawyers can assist with visa applications at Home Affairs level and with Administrative Review Tribunal matters. They can also represent you in courts for judicial review. They

- Have a law degree, which covers all major areas of law and have completed practical legal training as well.
 - Have very strict professional obligations which include a duty to the administration of justice, a duty to act in clients' best interests, duties of confidentiality and duties
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to avoid conflicts of interest between current and former clients, as well as between clients' interests and their own.

- Generally, charge more than migration agents but are suitable for complex matters, court-related work, and matters which involve more than one area of law.

Checking on your lawyer or migration agent

Before getting help from a lawyer or migration agent, you should check that they are qualified and legally allowed to assist you. Some people take advantage of migrants and asylum seekers by charging fees for services they are not qualified or authorised to provide.

In Queensland, you can check the [Queensland Law Society website](#) to confirm that a lawyer holds a current practicing certificate.

For migration agents, you can check the [Migration Agents Registration Authority](#) to make sure the agent is registered.

YOUR LAWYER OR MIGRATION AGENT SHOULD...

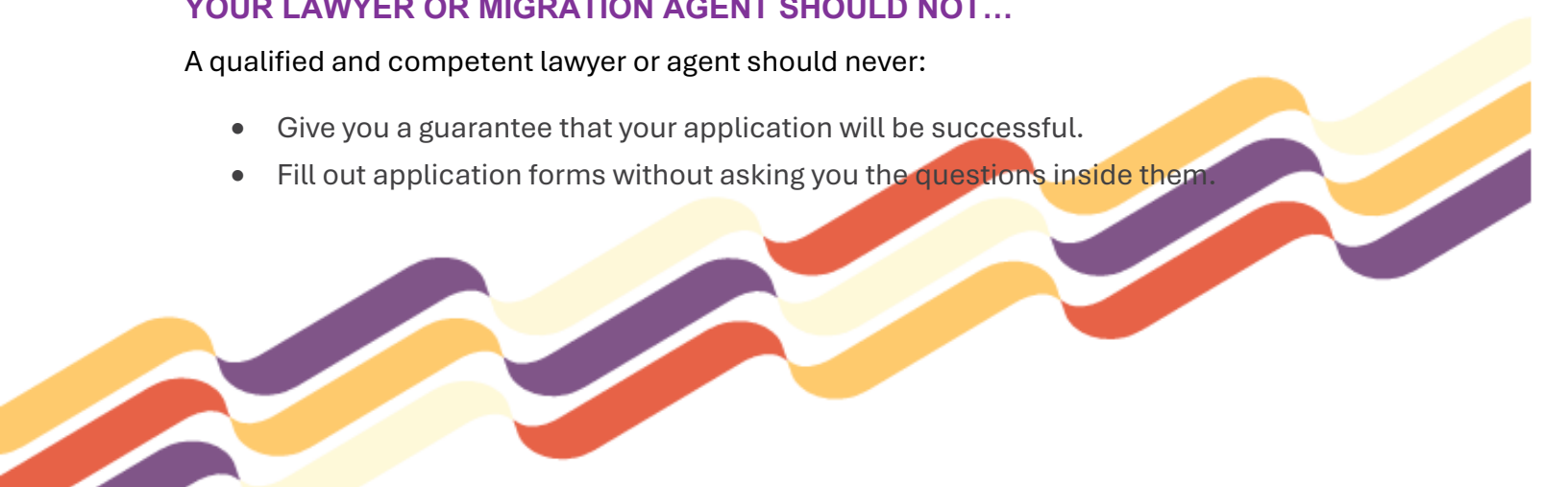
Your lawyer or migration agent should always:

- Use an accredited interpreter when talking to you if your English isn't strong.
- See you in a professional setting like an office.
- Explain what they will charge you and when and give you a quote or estimate of costs in writing before starting work.
- Give you honest advice – explain the strengths and weaknesses of any visa options you have.
- Answer any questions that you have.
- Be contactable by phone or email and respond when you reach out to them.
- Give you copies of any documents that they submit for you, such as visa application forms, statements, submissions and other evidence.

Your lawyer or agent should generally follow your instructions and not tell you what to do. There are some things they should not do even if you ask them to, such as provide false documents to Home Affairs or the Tribunal or say things in an application that are false.

YOUR LAWYER OR MIGRATION AGENT SHOULD NOT...

A qualified and competent lawyer or agent should never:

- Give you a guarantee that your application will be successful.
 - Fill out application forms without asking you the questions inside them.
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- Tell them that your application will be more likely to succeed if you say something that isn't true.

HOW CAN YOU MAKE A COMPLAINT?

If you are not happy with the work done by your lawyer or migration agent, you can contact the [Legal Services Commission](#) (about a lawyer in Queensland) or [Migration Agents Registration Authority](#) (about a migration agent) to make a complaint.

Free immigration legal help

The community legal centres below provide free legal advice and assistance in relation to some immigration law matters.

State	Service	Website
Queensland	Refugee and Immigration Legal Service (RAILS)	rails.org.au
New South Wales	Refugee Advice & Casework Service (RACS)	racs.org.au
New South Wales	Immigration Advice & Rights Centre (IARC)	iarc.org.au
Victoria, South Australia, Northern Territory	Refugee Legal	refugeelegal.org.au
Victoria	Asylum Seeker Resource Centre (ASRC)	asrc.org.au
Tasmania	Tasmanian Refugee Legal Service	trls.org.au
Western Australia	Circle Green	circlegreen.org.au

